

HOUSE BILL 982

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By: **Delegates Niemann, Ali, Carr, Carter, Glenn, Hecht, Hucker, and Montgomery**

Introduced and read first time: February 12, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Solid Waste Management – Recycling – Requirements**

3 FOR the purpose of requiring the Office of Recycling in the Department of the
4 Environment to establish certain commodity–based solid waste reduction
5 through recycling goals; requiring a certain annual report to include certain
6 progress made in achieving certain solid waste reduction goals; altering certain
7 county recycling requirements by requiring counties to include in certain county
8 plans a certain commodity–based recycling plan by a certain date; requiring a
9 certain recycling plan to be fully implemented by a certain date; requiring the
10 Office of Recycling to establish a bar and restaurant recycling program to
11 provide financial assistance for the collection and recycling of certain containers
12 from a bar or restaurant; establishing a certain solid waste management fee;
13 requiring a certain operator of a certain landfill or certain facility to collect the
14 solid waste management fee and remit the fee to the Comptroller; authorizing
15 the Department to grant a waiver from certain requirements; altering the
16 conditions under which a certain county is required to conduct a certain public
17 hearing and publish a certain notice; altering the conditions under which the
18 Secretary shall review a certain county plan to make certain determinations;
19 prohibiting the Secretary from issuing certain permits to install, materially
20 alter, or materially extend a landfill in a county under certain circumstances;
21 altering the requirements for a certain recycling plan that is developed by
22 certain agencies; requiring the Comptroller to establish a certain separate
23 account in the State Recycling Trust Fund for certain purposes; altering the
24 definition of a certain term; and generally relating to solid waste management
25 through recycling.

26 BY repealing and reenacting, without amendments,
27 Article – Environment
28 Section 9–204(n)(2) and 9–1701(a)
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2007 Replacement Volume and 2009 Supplement)

2 BY adding to

3 Article – Environment

4 Section 9–204(n)(5)

5 Annotated Code of Maryland

6 (2007 Replacement Volume and 2009 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article – Environment

9 Section 9–204(n)(5) and (6), 9–505(a)(18), (c), and (e), 9–1701(m)(1), 9–1702,
10 9–1703(b), 9–1704, 9–1706, and 9–1707(f)

11 Annotated Code of Maryland

12 (2007 Replacement Volume and 2009 Supplement)

13 BY repealing

14 Article – Environment

15 Section 9–505(a)(19) and (d)

16 Annotated Code of Maryland

17 (2007 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Environment**

21 9–204.

22 (n) (2) The Department shall prepare an annual report identifying the
23 amount of solid waste by weight or volume, disposed of in the State during the
24 previous year.

25 **(5) BEGINNING SEPTEMBER 1, 2014, AND TRIENNIALLY**
26 **THEREAFTER, THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS**
27 **SUBSECTION SHALL INCLUDE THE PROGRESS MADE IN ACHIEVING THE SOLID**
28 **WASTE REDUCTION GOALS ESTABLISHED UNDER § 9–1702 OF THIS TITLE.**

29 **[(5)] (6)** [Beginning September 1, 2000, the] **THE** Department shall
30 annually submit, in accordance with § 2–1246 of the State Government Article, a
31 report of the activities undertaken and the progress made in accordance with this
32 section to:

33 (i) The House Environmental Matters Committee; and

34 (ii) The Senate Education, Health, and Environmental Affairs
35 Committee.

1 **[(6)] (7)** A facility owner is not required to provide information under
2 paragraph (4) of this subsection that is a trade secret.

3 9-505.

4 (a) In addition to the other requirements of this subtitle, each county plan
5 shall:

6 (18) **[(For a county with a population greater than 150,000 according to**
7 **the latest Department of Planning projections, include] INCLUDE** a recycling plan by
8 **[July 1, 1990] OCTOBER 1, 2011**, that:

9 (i) Provides for **[a reduction through recycling of at least 20**
10 **percent of the county's solid waste stream by weight or submits adequate justification,**
11 **including economic and other specific factors, as to why the 20 percent reduction**
12 **cannot be met;] RECYCLING OF THE SOLID WASTE STREAM IN ACCORDANCE WITH**
13 **THE SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER § 9-1702 OF THIS**
14 **TITLE; AND**

15 (ii) Provides for recycling of the solid waste stream to the extent
16 practical and economically feasible, but in no event may less than a 10 percent
17 reduction be submitted; and

18 (iii) **(II)** Requires full implementation of the recycling plan by
19 January 1, **[1994; and] 2020**.

20 **[(19) For a county with a population less than 150,000 according to the**
21 **latest Department of Planning projections, include a recycling plan by July 1, 1990**
22 **that:**

23 (i) Provides for a reduction through recycling of at least 15
24 percent of the county's solid waste stream or submit adequate justification, including
25 economic and other specific factors, as to why the 15 percent reduction cannot be met;

26 (ii) Provides for recycling of the solid waste stream to the extent
27 practical and economically feasible, but in no event may less than a 5 percent
28 reduction be submitted; and

29 (iii) Requires full implementation of the recycling plan by
30 January 1, 1994.]

31 (c) **[(The recycling reductions of 20 percent and 15 percent provided in**
32 **subsection (a)(18) and (19) of this section are not intended to be the maximum**
33 **percentage that a county can achieve.] A county that can practically and economically**
34 **achieve a higher rate of recycling THAN REQUIRED UNDER SUBSECTION (A)(18) OF**

1 **THIS SECTION AND § 9-1702 OF THIS TITLE** is encouraged to submit a recycling
2 plan for a higher percentage.

3 [(d) If a county with a population less than 150,000 increases to a population
4 of above 150,000, the county shall have 2 years to revise the recycling plan to be
5 consistent with the recycling goals under subsection (a)(18) of this section.]

6 [(e) (D) (1) The governing bodies of 2 or more counties may adopt a
7 regional recycling plan to comply with subsection (a)(18) [or (19)] of this section.

8 (2) A regional recycling plan which otherwise satisfies the
9 requirements of this subtitle for each of the participating counties shall constitute the
10 county recycling plan for each county which participates in the plan.

11 9-1701.

12 (a) In this subtitle the following words have the meanings indicated.

13 (m) (1) "Recycling" means any process in which materials that would
14 otherwise become solid waste are collected, separated, or processed and returned to
15 the marketplace in the form of raw materials [or products] **FOR THE USE IN NEW OR**
16 **SIMILAR CONSUMER GOODS.**

17 9-1702.

18 (a) There is an Office of Recycling created within the Department.

19 (b) The Secretary shall appoint a Director and sufficient staff to perform the
20 functions of the Office. After July 1, 1989, the number of staff shall be as provided in
21 the budget.

22 (c) The Secretary may adopt regulations to carry out the provisions of this
23 subtitle.

24 (d) The Office shall:

25 (1) Assist the counties in developing an acceptable recycling plan
26 required under § 9-1703 of this subtitle and § 9-505 of this title, including technical
27 assistance to the local governments;

28 (2) Coordinate the efforts of the State to facilitate the implementation
29 of the recycling goals at the county level;

30 (3) Review all recycling plans submitted as part of a county plan as
31 required under § 9-505 of this title and advise the Secretary on the adequacy of the
32 recycling plan; [and]

1 (4) Administer the Statewide Electronics Recycling Program under
2 Part IV of this subtitle;

3 **(5) ESTABLISH A COMMODITY-BASED SOLID WASTE REDUCTION**
4 **THROUGH RECYCLING GOAL, BY WEIGHT, FOR THE STATE THAT REQUIRES:**

5 **(I) A 70% REDUCTION FOR ALUMINUM;**

6 **(II) A 50% REDUCTION FOR GLASS;**

7 **(III) A 60% REDUCTION FOR PAPER; AND**

8 **(IV) A 50% REDUCTION FOR POLYETHYLENE**
9 **TEREPHTHALATE; AND**

10 **(6) ESTABLISH AND ADMINISTER A BAR AND RESTAURANT**
11 **RECYCLING PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR THE**
12 **COLLECTION AND RECYCLING OF BEVERAGE CONTAINERS FROM A BAR OR**
13 **RESTAURANT.**

14 (e) Beginning on January 1, 1990, and biannually thereafter, the Office
15 shall, in coordination with the Maryland Environmental Service, study and report to
16 the Governor and, subject to § 2-1246 of the State Government Article, the General
17 Assembly on:

18 (1) The availability of local, national, and international markets for
19 recycling materials;

20 (2) The identification and location of recycling centers, including an
21 analysis of existing recycling centers and the need to expand these facilities or
22 construct new recycling centers;

23 (3) Programs necessary to educate the public on the need to
24 participate in recycling efforts;

25 (4) The economics and financing of existing and proposed systems of
26 waste disposal and recycling;

27 (5) State procurement policies for the purchase of recycled materials;

28 (6) Programs necessary to reduce the amount of solid waste generated
29 for disposal by a State agency or unit;

30 (7) The liaison role with local governments, the federal government,
31 and the private sector;

1 (8) The percentage reduction in the amount of solid waste that has
2 been achieved by each county; and

3 (9) Economically feasible methods for the recycling of scrap
4 automobile tires, batteries, and white goods.

5 (f) (1) By December 1, 1988, the Office shall, in coordination with the
6 Maryland Environmental Service and the Governor's Task Force on Solid Waste, make
7 recommendations to the General Assembly for the financing of a comprehensive
8 system of recycling at the State and local level, including funding for recycling centers,
9 recycling equipment, recycling education, and marketing strategies.

10 (2) After the financing recommendations are made under paragraph
11 (1) of this subsection, each county may submit to the Office and the Governor a
12 detailed request for funds necessary to assist in the development and implementation
13 of a recycling plan under guidelines developed by the Office.

14 (g) In studying feasible methods for the management and recycling of used
15 tires under subsection (e)(9) of this section, the Office of Recycling shall consult with
16 the appropriate industry, including representatives of:

17 (1) Tire manufacturers;

18 (2) Tire dealers; and

19 (3) Tire recyclers.

20 **(H) (1) BEGINNING JANUARY 1, 2011, THERE IS A SOLID WASTE**
21 **MANAGEMENT FEE.**

22 **(2) AN OPERATOR OF A LANDFILL, RUBBLE LANDFILL, OR**
23 **FACILITY THAT PROVIDES RECYCLING SERVICES THAT HAS BEEN ISSUED A**
24 **PERMIT UNDER § 9-204 OF THIS TITLE SHALL COLLECT A SOLID WASTE**
25 **MANAGEMENT FEE.**

26 **(3) THE SOLID WASTE MANAGEMENT FEE COLLECTED UNDER**
27 **THIS SECTION SHALL BE:**

28 **(I) \$1.50 FOR EACH TON OF SOLID WASTE ACCEPTED FOR**
29 **DISPOSAL BY A PERMITTED LANDFILL OR RUBBLE LANDFILL; OR**

30 **(II) \$0.75 FOR EACH TON OF SOLID WASTE ACCEPTED FOR**
31 **DISPOSAL BY A PERMITTED FACILITY THAT PROVIDES RECYCLING SERVICES.**

32 **(4) AN OPERATOR THAT COLLECTS THE SOLID WASTE**
33 **MANAGEMENT FEE UNDER THIS SECTION SHALL REMIT THE FEE TO THE**

1 **COMPTROLLER FOR TRANSFER INTO A SEPARATE ACCOUNT IN THE STATE**
2 **RECYCLING TRUST FUND.**

3 **(5) THE DEPARTMENT MAY PROVIDE A WAIVER FROM THE**
4 **REQUIREMENTS OF THIS SUBSECTION.**

5 9–1703.

6 (b) In preparing the recycling plan as required in § 9–505 of this title, the
7 county shall address:

8 (1) Methods to meet the solid waste [stream] reduction **GOALS**
9 **ESTABLISHED UNDER § 9–1702 OF THIS SUBTITLE;**

10 (2) The feasibility of source separation of the solid waste stream
11 generated within the county;

12 (3) The recyclable materials to be separated;

13 (4) The strategy for the collection, processing, marketing, and
14 disposition of recyclable materials, including the cost–effective use of recycling centers;

15 (5) Methods of financing the recycling efforts proposed by the county;

16 (6) Methods for the separate collection and composting of yard waste;

17 (7) The feasibility of a system for the composting of mixed solid
18 wastes;

19 (8) The feasibility of a system for the collection and recycling of white
20 goods;

21 (9) The separate collection of other recyclable materials;

22 (10) The strategy for the collection, processing, marketing, and
23 disposition of recyclable materials from county public schools; and

24 (11) Any other alternative methods of recycling that will attain or
25 exceed the solid waste stream reduction goals determined by the county.

26 9–1704.

27 (a) (1) If a county [with a population greater than 150,000] determines it
28 cannot achieve a reduction [of 20 percent] of its solid waste stream [under § 9–505 of
29 this title] **IN ACCORDANCE WITH THE SOLID WASTE REDUCTION GOALS**
30 **ESTABLISHED UNDER § 9–1702 OF THIS SUBTITLE**, the county shall:

1 (i) Conduct a public hearing on the proposed reduction that
2 may be conducted jointly with other public hearings or meetings; and

3 (ii) Publish notice of the time and place of the public hearing,
4 together with a summary of the justification for the proposed reduction, in a
5 newspaper of general circulation in the county once a week for 2 consecutive weeks
6 before the hearing in the county.

7 (2) The Secretary shall review a county plan that does not meet the
8 [20 percent recycling goal] **SOLID WASTE REDUCTION GOALS ESTABLISHED UNDER**
9 **§ 9-1702 OF THIS SUBTITLE** to determine whether the county's maximum goal, as
10 stated in the plan, can be demonstrated to have a reasonable basis.

11 (3) The Secretary shall require revision of a county plan if, pursuant
12 to a review under paragraph (2) of this subsection, the county's determination of its
13 maximum goal is found to be unsupported by competent, material, and substantial
14 evidence in light of the entire plan as submitted.

15 (b) (1) [If a county with a population less than 150,000 determines it
16 cannot achieve a reduction of 15 percent of its solid waste stream under § 9-505 of this
17 title, the county shall:

18 (i) Conduct a public hearing on the proposed reduction that
19 may be conducted jointly with other public hearings or meetings; and

20 (ii) Publish notice of the time and place of the public hearing,
21 together with a summary of the justification for the proposed reduction in a newspaper
22 of general circulation in the county once a week for 2 consecutive weeks before the
23 hearing in the county.

24 (2) The Secretary shall review a county plan that does not meet the 15
25 percent recycling goal to determine whether the county's maximum goal, as stated in
26 the plan, can be demonstrated to have a reasonable basis.

27 (3) The Secretary shall require revision of a county plan if, pursuant
28 to a review under paragraph (2) of this subsection, the county's determination of its
29 maximum goal is found to be unsupported by competent, material, and substantial
30 evidence in light of the entire plan as submitted] **EXCEPT AS PROVIDED IN**
31 **PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY MAY NOT ISSUE A**
32 **PERMIT UNDER § 9-204 OF THIS TITLE TO A COUNTY TO INSTALL, MATERIALLY**
33 **ALTER, OR MATERIALLY EXTEND A LANDFILL IN THE COUNTY, IF:**

34 (I) **A COUNTY DOES NOT MEET THE SOLID WASTE**
35 **REDUCTION GOALS ESTABLISHED UNDER § 9-1702 OF THIS SUBTITLE;**

1 **(II) THE SECRETARY DETERMINES, IN ACCORDANCE WITH**
2 **SUBSECTION (A)(2) OF THIS SECTION, THE COUNTY'S MAXIMUM GOAL, AS**
3 **STATED IN THE PLAN, DOES NOT HAVE A REASONABLE BASIS; AND**

4 **(III) A COUNTY DOES NOT REVISE A COUNTY PLAN IN**
5 **ACCORDANCE WITH SUBSECTION (A)(3) OF THIS SECTION.**

6 **(2) THE DEPARTMENT MAY GRANT A WAIVER FROM THE**
7 **REQUIREMENTS OF THIS SUBSECTION.**

8 9–1706.

9 (a) The Office of Recycling, in cooperation with the Department of General
10 Services and other State agencies, shall develop a recycling plan that reduces by
11 recycling the amount of the solid waste stream generated for disposal by the State
12 government [by at least 20 percent or to an amount that is determined practical and
13 economically feasible, but in no case may the amount to be recycled be less than 10
14 percent] **IN ACCORDANCE WITH THE SOLID WASTE REDUCTION GOALS**
15 **ESTABLISHED UNDER § 9–1702 OF THIS SUBTITLE.**

16 (b) By July 1, 2010, the recycling plan under subsection (a) of this section
17 shall include a system for recycling aluminum, glass, paper, and plastic generated for
18 disposal by the State government, including the placement of collection bins in
19 State-owned or State-operated office buildings in locations in the State where it is
20 determined to be practical and economically feasible.

21 (c) By January 1, [2012] **2020**, each State agency and unit of State
22 government shall **FULLY** implement the recycling plan required under this section.

23 9–1707.

24 (f) (1) There is a State Recycling Trust Fund.

25 (2) The Fund shall consist of:

26 (i) The newsprint recycling incentive fee;

27 (ii) The telephone directory recycling incentive fee collected
28 under § 9–1709 of this subtitle;

29 (iii) The covered electronic device manufacturer registration fee
30 collected under § 9–1728 of this subtitle;

31 (iv) **THE SOLID WASTE MANAGEMENT FEE COLLECTED**
32 **UNDER § 9–1702 OF THIS SUBTITLE;**

1 (V) The mercury switch or mercury switch assembly removal
2 fees collected under § 6-905.4(c)(6)(iii)3 of this article;

3 [(v)] (VI) All fines and penalties collected under this subtitle
4 and under §§ 6-905.4 and 6-905.6 of this article;

5 [(vi)] (VII) Money appropriated in the State budget to the Fund;
6 and

7 [(vii)] (VIII) Any other money from any other source accepted for
8 the benefit of the Fund.

9 (3) The Secretary shall administer the Fund.

10 (4) The Treasurer shall hold the Fund separately and the Comptroller
11 shall account for the Fund.

12 (5) **(I) WITH REGARD TO THE SOLID WASTE MANAGEMENT FEE**
13 **COLLECTED UNDER § 9-1702 OF THIS SUBTITLE, THE COMPTROLLER SHALL:**

14 1. **ESTABLISH A SEPARATE ACCOUNT WITHIN THE**
15 **STATE RECYCLING TRUST FUND; AND**

16 2. **DISBURSE THE FUNDS AS PROVIDED UNDER**
17 **SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

18 **(II) THE COMPTROLLER SHALL:**

19 1. **DEPOSIT 50% OF THE FUNDS INTO THE SEPARATE**
20 **ACCOUNT TO BE USED FOR ESTABLISHING AND ADMINISTERING A BAR AND**
21 **RESTAURANT RECYCLING PROGRAM TO PROVIDE FINANCIAL ASSISTANCE FOR**
22 **THE COLLECTION AND RECYCLING OF BEVERAGE CONTAINERS FROM A BAR OR**
23 **RESTAURANT;**

24 2. **DEPOSIT 40% OF THE FUNDS INTO THE SEPARATE**
25 **ACCOUNT TO BE USED TO PROVIDE FINANCIAL ASSISTANCE TO A LOCAL**
26 **GOVERNMENT TO ESTABLISH PROGRAMS FOR WASTE REDUCTION THROUGH**
27 **RECYCLING AND REUSE; AND**

28 3. **TRANSFER 10% OF THE FUNDS TO THE**
29 **DEPARTMENT TO ESTABLISH AND ADMINISTER A BAR AND RESTAURANT**
30 **RECYCLING PROGRAM.**

1 **(6)** At the end of each fiscal year, any unspent or unencumbered
2 balance in the Fund that exceeds \$2,000,000 shall revert to the General Fund of the
3 State in accordance with § 7–302 of the State Finance and Procurement Article.

4 **[(6)] (7)** In accordance with the State budget, the Fund shall be used
5 only:

6 (i) To provide grants to the counties to be used by the counties
7 to develop and implement local recycling plans;

8 (ii) To provide grants to counties that have addressed methods
9 for the separate collection and recycling of covered electronic devices in accordance
10 with § 9–1703(c)(1) of this subtitle;

11 (iii) To provide grants to municipalities to be used by the
12 municipalities to implement local covered electronic device recycling programs; and

13 (iv) To carry out the purposes of the Office of Recycling under
14 this subtitle and under Title 6, Subtitle 9 of this article.

15 **[(7)] (8)** (i) The Treasurer shall invest the money in the Fund in
16 the same manner as other State money may be invested.

17 (ii) Any investment earnings of the Fund shall be credited to the
18 General Fund of the State.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2010.